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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 WILLIAM MATTHIS, JR.,

12 Plaintiff,

13 vs.

14 ASBESTOS DEFENDANTS (B ♦ P), et
15 al.,

16 Defendants.

17 BAE SYSTEMS SAN DIEGO SHIP
18 REPAIR INC.,

19 Removing Defendant.

No. 3:07-cv-02866-SC

STIPULATION AND ORDER OF
DISMISSAL AND REMAND TO STATE
COURT

Date: August 17, 2007
Time: 10:00 am
Courtroom One, 17th Floor

20 IT IS HEREBY STIPULATED by and between the parties to this action through their
21 designated counsel that:

22 1. This case was originally filed in the Superior Court of California for the County of
23 San Francisco.

24 2. Defendant BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., filed its Notice of
25 Removal on June 1, 2007, claiming that this Court has subject-matter jurisdiction under 28
26 U.S.C. §1442(a)(1) and 1446.

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1 3. Defendant BAE SYSTEMS SAN DIEGO SHIP REPAIR INC., is dismissed from the
2 above entitled action, pursuant to FRCP 41 (a)(2). This dismissal is with prejudice, each party
3 to bear its own costs.

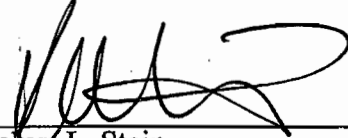
4 4. This dismissal applies to the named defendant BAE SYSTEMS SAN DIEGO SHIP
5 REPAIR INC., and its alternate entities.

6 5. Because no basis currently exists for this court to exercise jurisdiction over this
7 action, remand to the Superior Court of California for the County of San Francisco is
8 appropriate.

9 Accordingly, the parties petition this court for an order dismissing defendant BAE
10 SYSTEMS SAN DIEGO SHIP REPAIR INC. and its designated alternate entities from this
11 action, with prejudice, and remanding the action to the Superior Court of California for the
12 County of San Francisco.


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14 STIPULATED.

15 Dated: 7/27/07


Robert L. Stein
BRAYTON ♦ PURCELL LLP
Attorneys for Plaintiff WILLIAM MATTHIS, JR.

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18 STIPULATED.

19 Dated: 7/27/07


Madeline L. Buty
BUTY & CURLIANO LLP
Attorneys for BAE SYSTEMS SAN DIEGO SHIP
REPAIR INC.

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24 **IT IS SO ORDERED.**

25 Dated: _____

United States District Court Judge

PROOF OF SERVICE

I am employed in the County of Marin, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 222 Rush Landing Road, Novato, California 94948-6169.

On July 27, 2007, I served the attached:

STIPULATION AND ORDER OF DISMISSAL AND REMAND TO STATE COURT
William Matthis, Jr., v. Asbestos Defendants (B♦P), et al.
USDC 3:07-cv-2866 SC

on the interested parties in this action by transmitting a true copy thereof in a sealed envelope, and each envelope addressed as follows:

BAE SYSTEMS SAN DIEGO SHIP
REPAIR, INC.

Madeline L. Buty, SBN 157186

555 - 12th Street, Ste. 1280

Oakland, CA 94607

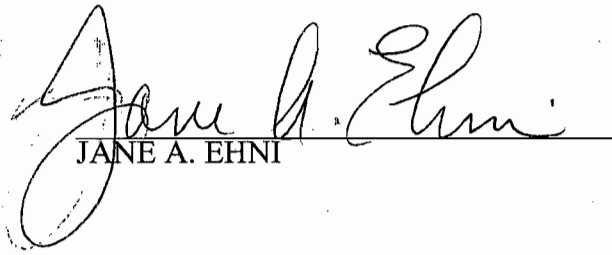
(510) 267-3000

(510) 267-0117

XXX BY OFFICE MAILING: I am readily familiar with this office's practice of collection and processing correspondence, pleadings and other matters for mailing with the United States Postal Service on that same day with postage thereon fully prepaid at Novato, California in the ordinary course of business. I placed in the outgoing office mail, the above-described document(s), in a sealed envelope, addressed to the party(ies) as stated above, for collection and processing for mailing the same day in accordance with ordinary office practices.

Executed this July 27, 2007 at Novato, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


JANE A. EHNI

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